

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

Civil Revision No.563 of 2022(O&M)  
Date of decision:21.02.2022

Pooja @ Pinky

...Petitioner

Versus

Deepak Mandhan

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Shvetanshu Goel, Advocate, for the petitioner.

ANIL KSHETARPAL, J (Oral)

The petitioner herein is the respondent's wife. The proceedings in a petition, filed under Section 13 of the Hindu Marriage Act, 1955, to dissolve the marriage, filed by the respondent (husband) are pending. The petitioner's application under Order XI Rule 14 CPC, directing the respondent to produce the original document (the deed of settlement dated 04.10.2015) has been dismissed. A copy of the document is already available on the file.

The respondent has taken a stand that the aforesaid deed of settlement is in possession of the mediator-Nafe Singh

As per the case of the respondent, the aforesaid settlement deed

was arrived at with the intervention of the mediator-Nafe Singh and other

respectables and was drafted by Nafe Singh.

The learned counsel representing the petitioner contends that the respondent while replying to the application under Order XI Rule 14 CPC did not assert that the document is in possession of Nafe Singh. He, hence, contends that the findings arrived at by the Family Court are beyond pleadings.

It is not in dispute that a copy of the alleged deed of settlement is already on the file. At the time of hearing of the application, the respondent has taken a stand that the original deed of settlement is not in his possession. The court has only observed that at this stage when the proceedings in the petition for dissolution of marriage are at an initial stage, no direction as sought for by the petitioner (wife) can be issued while leaving it open to consider such request at an appropriate stage.

While deciding interlocutory applications, the Court is required to analyze and consider the various aspects of the matter. At this stage, the petitioner has only been called upon to file her response to the divorce petition. The petitioner has already taken a stand that there was no settlement.

In view thereof, no ground to interfere with the impugned order, is made out.

Dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

February 21, 2022  
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(ANIL KSHETARPAL)  
JUDGE

Whether speaking/reasoned

: Yes/No

Whether reportable

: Yes/No